

## Message Text

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71

ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

DOT-00 INR-07 NSAE-00 CIEP-01 FAA-00 L-03 SS-15

NSC-05 PM-04 /057 W

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R 161710Z AUG 76

FM AMEMBASSY ROME

TO SECSTATE WASHDC 9473

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E.O. 11652: N/A

TAGS: EAIR, IT

SUBJ: CIVAIR - OVERSEAS NATIONAL AIRLINES (ONA)

REF: ROME 13150 AND PREVIOUS

BEGIN UNCLASSIFIED.

1. EMBASSY RECEIVED AUGUST 14 (AM) TELEX FROM ONA CLAIMING THAT 90-DAY PENALTY LEVIED AGAINST ONA BY GOI RESULTED FROM ONA'S QTE MISUNDERSTANDING AND LACK OF COMMUNICATION DURING PERIOD OF ITALIAN ELECTIONS UNQTE AND THAT ITALIAN CHARTER REGULATIONS, APPLICABLE TO COMMERCIAL CHARTER FLIGHTS, HAVE BEEN EXTENDED IN ONA CASE QTE ALSO (TO) INCLUDE MILITARY AIRLIFT COMMAND MISSIONS AND HAVE DENIED ONA LANDING RIGHTS FOR A MAC MISSION SCHEDULED TO ARRIVE ITALY AUGUST 14 FORCING ONA TO SUBSTITUTE SERVICE. SUBJECT MISSION AND OTHER MAC MISSIONS TO/FROM ITALY WILL LIKELY BE REQUIRED IN NEXT 90 DAYS AND UNDER CIRCUMSTANCES, ONA FEELS EXTENSION OF PENALTY TO MAC MISSIONS UNWARRANTED...UNQTE. MESSAGE, SIGNED BY ONA VP THORNTON, THEN REQUESTS EMBASSY INTERVENTION, PARTICULARLY FROM INCLUSION OF MAC CHARTERS IN 90-DAY BAN. END UNCLASSIFIED.

2. COMMENT: BEGIN LOU: QTE MISUNDERSTANDING UNQTE  
ARGUMENT IS NOT NEW (AND SCARCELY CREDIBLE IN VIEW OF FACT  
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THAT THORNTON, ACCORDING TO ONA LOCAL REP, WAS SPECIFICALLY

TOLD THAT JUNE 20 FLIGHT WOULD NOT BE AUTHORIZED), BUT CONSIDERATION OF MAC CHARTER AS "NON COMMERCIAL" AND THEREFORE NOT SUBJECT TO CHARTER REGULATIONS IS NEW. EMBASSY IS NOT IN A POSITION TO ADDRESS LEGAL CONSIDERATIONS ON STATUS OF PRIVATE CHARTER CONTRACT WITH MAC BUT WE HAVE ASSUMED THAT ONA STILL OPERATES ESSENTIALLY AS COMMERCIAL CHARTERER EVEN WHEN IT SERVES MAC. OUR SUPPOSITION BASED IN PART ON FACT THAT CLEARANCES HAVE BEEN REQUESTED THROUGH CIVIL CHANNELS RATHER THAN THROUGH MILITARY AS NORMAL FOR OFFICIAL FLIGHTS. MAC ALSO APPEARS INCLINED ACCEPT ANY QUALIFIED "COMMERCIAL" CHARTER-COMPANY TO OPERATE A SPECIFIC FLIGHT AS LONG AS IT IS ACCEPTABLE TO CIVILAVIA.

3. IF CHARTER COMPANIES DO RETAIN ESSENTIALLY COMMERCIAL STATUS WHEN THEY ARE OPERATING A MAC FLIGHT THEN EMBASSY POSITION REMAINS AS IN REFTEL. EMBASSY DOES NOT PLAN TO MAKE TELEX REPLY TO ONA AND WOULD APPRECIATE DEPARTMENT SO INFORMING THORNTON. IF EMBASSY POSITION REQUESTED TELEPHONICALLY BY ONA DIRECTLY OR BY LOCAL REP, WE WILL STATE THAT (A) WE ARE WAITING SPECIFIC INSTRUCTIONS FROM THE DEPARTMENT OF STATE TO INTERVENE AND (B) EVEN IF SUCH REQUEST MADE, WE DOUBT THAT EMBASSY REPRESENTATIONS WOULD BE SUCCESSFUL.  
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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** CIVIL AVIATION, POLICIES, LANDING RIGHTS, SUPPLEMENTAL AIRLINES, NEGOTIATIONS  
**Control Number:** n/a  
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**Draft Date:** 16 AUG 1976  
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**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** ShawDG  
**Disposition Case Number:** n/a  
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**Disposition Date:** 28 MAY 2004  
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**Document Unique ID:** 00  
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**Film Number:** D760314-0704  
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**Subject:** CIVAIR - OVERSEAS NATIONAL AIRLINES (ONA)  
**TAGS:** EAIR, IT, ONA  
**To:** STATE  
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